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UNCLAS SECTION 01 OF 02 BOGOTA 012512

SIPDIS

SENSITIVE

STATE FOR L/LEI - HCOLLUMS AND GHARRIS
JUSTICE FOR DAAG WARREN
JUSTICE FOR CRM/OIA - MDRODRIGUEZ, TBLACK, AND PJOSEPH

E.O. 12958: DNG: UN 12/07/2014

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SUBJECT: GOC REACTS STRONGLY TO U.S. ATTORNEY PRESS
CONFERENCE ON GILBERTO RODRIGUEZ-OREJUELA EXTRADITION

REF: (A) STATE 249758

(B) BOGOTA 11862

1. (SBU) Late on December 6, Camilo Ospina, President Uribe's Legal Advisor, contacted the Ambassador to voice the President's strong concerns over the press conference by the U.S. Attorney for the Southern District of Florida on the extradition of Gilberto Rodriguez-Orejuela to the effect that Rodriguez-Orejuela would be tried for acts committed during the past 20 years. (Colombian law prohibited extradition of Colombian nationals prior to December 17, 1997, so no activities prior to that date can be the subject of a U.S. trial under Colombian law. The U.S. has provided assurances - Ref A - that we would abide by that condition of extradition.) Interior and Justice Minister Sabas Pretelt de la Vega also contacted Judatt to protest the USA's comments, suggesting that the ability of the GOC to extradite Miguel Gilberto Rodriguez-Orejuela could be compromised. Ambassador also spoke by phone with traveling FM Carolina Barco.

2. (SBU) On December 7, Ambassador was called to the MFA by Acting FM Jaime Giron and given a copy of a diplomatic note protesting the Florida statement and asking for rectification (text - para 4). He noted that President Uribe wanted a public rectification very quickly because extradition was under heavy pressure in Colombia. Ambassador provided Giron with the just-arrived text of the Florida DOJ press release clarifying earlier statements during the meeting. Giron expressed his satisfaction with the statement.

3. (SBU) Comment: The GOC expressed serious concern about negative public reaction to the USA's comments and the potential arguments they might give to defense attorneys defending clients from extradition (notably Miguel Rodriguez-Orejuela, Simon Trinidad, and alias Sonia). End Comment.

4. (U) Begin informal translation of GOC dipnote:

Mr. Secretary:

I want to express to Your Excellency the surprise and deep concern with which the Colombian Government learned of the press release of Federal Prosecutor Marcos Daniel Jimenez, after the appearance of Gilberto Rodriguez Orejuela before the Federal Court for the Southern District of Florida, according to which Mr. Rodriguez Orejuela would be prosecuted in Miami for charges previous to 1997, contravening the conditions established by the Colombian Government when it authorized his extradition to the United States of America.

For the Government of Colombia, it is important to protect the extradition process as an effective bilateral mechanism to combat organized transnational delinquency and, in this context, the scourge of drug trafficking. For this reason we want to draw attention to the commitment undertaken by the Petitioner State to conform to the conditions under which the Government of Colombia granted the extradition. This aspect deserves special treatment by United States' authorities in order to guarantee the strictest compliance.

The Government of Colombia granted the extradition based on the understanding that the requested person would be neither judged for any act previous to that which motivated the extradition, nor subject to sanctions different from those imposed in the sentence. In addition, if according to the laws of the Petitioner State, the crime that motivated the extradition carries the death penalty, the extradition would only take place with the condition of commutation of the penalty, and equally, also as a condition, that the person extradited would not be subject to forced disappearance, torture or cruel, inhuman or degrading treatment or punishment, or exile, life imprisonment and confiscation.

The above is based on the current Colombian criminal justice system (Article 512 of the Colombian Criminal Procedure Code) and on Ruling C-1106 of August of 2000 of the Colombian Constitutional Court, according to requirements of Articles 11, 12, and 34 of the Constitution.

I would be very grateful if Your Excellency would transmit to your Government the distress generated in Colombia by Prosecutor Marcos Daniel Jimenez's declarations, as well as the importance of adopting the necessary measures to guarantee the fulfillment of the conditions under which the extradition was granted and that the United States of America accepted in its Diplomatic Note 2970 of December 3, 2004.

I avail my self of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

End translation. WOOD